

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/2/2025
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TERRELL JENKINS, :  
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Petitioner, :  
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-v- :  
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SUPERINTENDENT LYNN LILLEY, :  
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*Superintendent, Eastern NY Correctional Facility,* :  
:  
Respondent. :  
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1:23-cv-9613-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On May 19, 2025, Magistrate Judge Robert W. Lehrburger issued a report and recommendation recommending that the Court deny Mr. Jenkins’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and dismiss this action. Dkt. No. 33 (the “R&R”). The R&R stated: “Any party shall have fourteen (14) days to file written objections to this Report and Recommendation . . . . Failure to file timely objections will result in a waiver of the right to object and will preclude appellate review.” R&R at 29–30.

On June 1, 2025, Mr. Jenkins requested a fourteen-day extension of time to file written objections to the R&R. Dkt. No. 34. The Court received the request on June 10, 2025. *Id.* On June 12, 2025, the Court granted Mr. Jenkins’s June 1, 2025 request for an extension of time to file written objections to the R&R. Dkt. No. 35. The deadline for Mr. Jenkins to file written objections to the R&R was extended to June 16, 2025. *Id.* The Court reiterated that “[f]ailure to file timely objections will result in a waiver of the right to object and will preclude appellate review.” *Id.*

The Court received no objection to the R&R within the permitted window. On June 24, 2025, the Court adopted the R&R in its entirety and denied Mr. Jenkins’s petition. Dkt. No. 37. On June 25, 2025, judgment was entered in favor of Respondent, and the case was closed. Dkt. No. 38.

On June 27, 2025, the Court received objections to the R&R from Mr. Jenkins. Dkt. No. 39. Mr. Jenkins mailed his objections on June 20, 2025—after the extended deadline to file any objections had already passed. *Id.* at ECF page 75. Consequently, Mr. Jenkins’s objections were not timely filed. Because Mr. Jenkins failed to timely object to the R&R, he has waived his right to object.


The Court has also received a letter from Mr. Jenkins dated June 18, 2025, after the June 16, 2025 deadline for Mr. Jenkins to object to the R&R. Dkt. No. 40. Mr. Jenkins requested “a stay in abeyance to allow me to return back to State Court to exhaust my issue of confrontation and ineffective assistance of counsel.” *Id.* Judgment has already been entered in this case. Dkt. No. 38. This case is closed. Accordingly, Mr. Jenkin’s request is denied.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to mail a copy of this order to Mr. Jenkins.

SO ORDERED.

Dated: July 2, 2025

  
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GREGORY H. WOODS  
United States District Judge